

REMARKS

Claims 1-6 and 19-26, which have not been amended, remain pending in this application. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Drawing Objection

The drawings stand objected under 37 C.F.R. §1.84(p)(5), because the reference number "20" in Fig. 5 is not found in the specification. Accordingly, Fig. 5 has been amended to include the reference number "200," which corresponds to the "patient 200" described throughout the specification. As such, Applicant respectfully requests withdrawal of the drawing objection.

Specification Objection

The specification stands objected to because the reference number "1148" should be "148." Accordingly, the specification has been amended, and as such, Applicant respectfully requests withdrawal of the specification objection.

Claim Rejections-35 U.S.C. §102

Claims 1-6 and 19-26 stand rejected under 35 U.S.C. §102(e), as being anticipated by U.S. Patent No. 7,526,341 ("Goetz"). Applicant respectfully traverses this rejection, since Goetz does not disclose the combination of elements required by these claims.

Notably, an anticipatory prior art reference must show the identical information in as complete detail as contained in the claim, and that the elements disclosed in the anticipatory prior art reference must be arranged as required by the claim (see MPEP §2131).

In contrast, the Examiner did not show in Goetz the identical information in as complete detail as contained in claim 1. In particular, the Examiner did not show that Goetz specifically discloses any of the nerves in the claimed list (i.e., the vagus nerves, the trigeminal nerves, the ophthalmic nerves, the maxillary nerves, the mandibular nerves, the facial nerves, the glossopharyngeal nerves, and the trigeminal ganglion or ganglia). Instead, the Examiner simply stated that Goetz discloses stimulating peripheral nerve. Although the claimed list of nerves can be considered a peripheral nerve, this is irrelevant, since Goetz must specifically disclose the nerves, as claimed. In other words, a general disclosure (e.g., a peripheral nerve) is not tantamount to a specific disclosure (e.g., vagus nerves, the trigeminal nerves, the ophthalmic nerves, the maxillary nerves, the mandibular nerves, the facial nerves, the glossopharyngeal nerves, and the trigeminal ganglion or ganglia). Simply put, Goetz makes no mention of the claimed nerves.

Furthermore, assuming arguendo that a disclosure of a peripheral nerve is a disclosure of the nerves specified in the claims (which is clearly is not), the Examiner did not show that the treatment of epilepsy and the stimulation of a peripheral nerve are arranged in the manner required by claim 1. In particular, claim 1 requires “applying at least one stimulus generated by the system control unit to at least one nerve, thereby at least in part alleviating the symptoms of the epilepsy.” The Examiner has not shown that Goetz discloses that the stimulation of a peripheral nerve alleviates the symptoms of epilepsy. Instead, the Examiner pointed to a statement made in the background of Goetz that lists epilepsy as one of the many ailments that can be treated using an implantable medical device (see col. 1, lines 33-39), and then pointed to a statement made in the detailed description of Goetz that that a peripheral nerve can be stimulated without any

reference to what is being treated (see col. 3, lines 60-64). However, there is no disclosed connection in Goetz between the treatment of epilepsy and the stimulation of a peripheral nerve. Indeed, listing a multitude of ailments that can be treated in a background, and listing a multitude of target sites in the specification, does not mean that every of the listed ailments can be treated by stimulating any of the target sites. Thus, the Examiner has not shown that Goetz discloses that epilepsy can be treated by stimulating a peripheral nerve

Thus, Applicant submits that Goetz does not anticipate independent claim 1, as well as the claims depending therefrom (claims 2-6 and 19-26), and as such, respectfully requests withdrawal of the rejection of these claims.

Conclusion

Based on the foregoing, it is believed that all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (949) 724-1849.

Respectfully submitted,

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